

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U.S. DISTRICT COURT
SAVANNAH, GA.
2017 MAY -4 AM 11:46

NORFOLK SOUTHERN RAILWAY
COMPANY,

Plaintiff,

v.

U.S. PORT SERVICES, INC.,

Defendant.

CASE NO. MC417-002

O R D E R

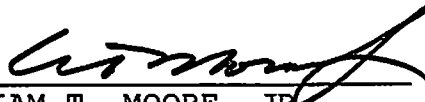
On April 17, 2015, Plaintiff filed a complaint against Defendant in the Eastern District of Virginia for failure to pay demurrage charges. Complaint, Norfolk S. Ry. Co. v. U.S. Port Servs., Inc., No. 2:15-cv-166 (E.D. Va. 2016). Plaintiff filed an amended complaint on April 11, 2016. Amended Complaint, Norfolk, No. 2:15-cv-166. On June 27, 2016, the parties entered into a settlement agreement disposing of Plaintiff's demurrage charge claim as well as a counterclaim filed by Defendant. Stipulation for Entry of Judgment, Norfolk, No. 2:15-cv-166. On July 6, 2016, the parties requested an entry of judgment pursuant to that settlement agreement. Id. Accordingly, the Eastern District of Virginia entered an Order of Judgment against Defendant in the amount of \$184,000.00. Order of Judgment By Stipulation of the Parties, Norfolk, No. 2:15-cv-166. In

addition, the Judgment also incorporated by reference the parties' settlement agreement and indicated that the Eastern District of Virginia would retain jurisdiction in order to enforce the terms of that agreement. (Id.) No further action occurred in that case.

However, the parties' settlement did not result in the amicable conclusion of the case. Instead, Plaintiff filed a Registration of Foreign Judgment for the Eastern District's Judgment in this Court on February 8, 2017. (Doc. 1.) Plaintiff subsequently requested that the Court issue a writ of continuing garnishment against Suntrust Bank (the "Garnishee"), located at 215 Main St., Garden City, GA 31408. (Doc. 2.) Plaintiff alleged that the Garnishee has monies and other property belonging to the Defendant. (Id.) Considering the continued jurisdiction exercised by the Eastern District of Virginia and the fact that the dispute between the parties was concluded pursuant to a settlement agreement, Plaintiff is **DIRECTED** to file within fourteen days from the date of this order a brief detailing its right to the issuance of a writ of continuing garnishment in the Southern District of Georgia. The Court will not accept a brief that incorporates by reference any factual allegation or argument contained in an earlier filing. Plaintiff's brief should be a stand-alone filing that

independently contains all the factual allegations and legal support necessary to justify the issuance of a writ of continuing garnishment.

SO ORDERED this 4th day of May 2017.

A handwritten signature in black ink, appearing to read 'William T. Moore, Jr.', written over a horizontal line.

WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA